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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,432	03/25/2004	Victor Hsieh	2102680-991100	9771

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DLA PIPER RUDNICK GRAY CARY US LLP
153 TOWNSEND STREET
SUITE 800
SAN FRANCISCO, CA 94107-1907

EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/810,432	HSIEH, VICTOR	
	Examiner	Art Unit	
	Robert M. Pond	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

MC

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 8-13 in the reply filed on 31 March 2005 is acknowledged.

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 8-10, 12, and 13 are rejected under 35 USC 103(a) as being unpatentable over PriceGrabber (a collection of prior art cited in PTO-892, Items: U-W, and UU) in view of Randall (PTO-892, Item: X).**

PriceGrabber teaches a system and method of price comparison shopping using wireless devices connected to a central web server. PriceGrabber further teaches:

- communicating with the wireless handheld client through a remote server: wireless access from WAP-enabled phones and other devices (U: see at least page 1); HTML web pages (V: see pages 1 and 2). Inherent in Pricegrabber are the structures necessary to permit communication between the remote server and WAP-enabled devices.
- maintaining in an offline database information for a plurality of vendor sites: site maintains merchant ratings, customer reviews (U: see at least page 1);
- processing a product keyword request received from the wireless handheld device through the remote server: keyword search feature through central site (V: see page 1). Please note: submitting a search is posting a request.
- extracting real-time price and product information from identified ones of a plurality of vendor sites in native language: product comparison shopping for side-by-side comparison of a plurality of vendor product information in native language (U: see at least page 1, languages in English, Spanish, Portuguese; V: see at least page 2, languages in English, Spanish). Please note: designated native language access through central site or individual sites.

- communicating the extracted price and product information to the wireless handheld device client through the remote server: delivers best price from Internet merchants and provides BottomLinePrice calculation (U: see at least page 1).
- Sorting: accurate and up-to-date pricing sorted by in price order (UU: see at least page 1).

PriceGrabber teaches all the above as noted under the 103(a) rejection and teaches a web site using HTML, but does not disclose XML. Randall teaches PriceGrabber providing drop-in content to sites, HTML, JavaScript, XML formats, wireless feeds, and further teaches building a content database on XML that filters information into more than 330 information categories. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of PriceGrabber to implement content using XML as taught by Randall, in order to filter information into multiple categories.

- 3. Claim 11 is rejected under 35 USC 103(a) as being unpatentable over PriceGrabber (a collection of prior art cited in PTO-892, Items: U-W, and UU) and Randall (PTO-892, Item: X), as applied to Claim 9, further in view of Business Wire (PTO-892, Item: WW).**

PriceGrabber and Randall teach all the above as noted under the 103(a) rejection and teach competing in the wireless comparison shopping arena, but do not disclose patterns which identify information in vendor sites. Business Wire

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teaches DealTime competing in the wireless comparison shopping arena.

Business Wire teaches DealTime delivering highly relevant search results to wireless devices, and empowering merchants and manufacturers by providing indication of interest data (please note examiner's interpretation: patterns) about consumer buying activity. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of PriceGrabber and Randall to provide interest data as taught by Business Wire, in order to empower merchants and manufacturers with buying activity information, and thereby increase sales.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Koh, Cindy; "XML for e-business," Computimes Malaysia, 07 June 2001, Proquest #73750748, 3pgs; teaches XML and wireless electronic commerce.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'R. M. Pond', with a stylized flourish at the end.

Robert M. Pond
Primary Examiner
June 10, 2005